

BOWIE COUNTY CRIMINAL DISTRICT ATTORNEY

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OPINION COMMITTEE

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I.D. # 47850

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RQ-0062-KP

October 20, 2015

Office of the Attorney General
Attention: Opinion Committee
P.O. Box 12548
Austin, TX 78711-2548

Dear Committee,

Bowie County, Texas has been approached by a company that utilizes real time data gathered from law enforcement Controlled Automated License Plate Recognition (ALPR) systems to identify, evaluate, and cite vehicle owners operating in the State of Texas, who are determined to be in a violation of the State's Motor Vehicle Compulsory Insurance laws found in Tex. Trans. Code, {601, et seq.}

The company provides all equipment such as cameras and computers, installs the equipment, and provides training. The county provides information from the ALPR systems to the company. The captured images of the license plates are transmitted back to the company who in turn evaluates the information and of the information indicates an insurance violation, a letter is generated under the District Attorney's Office to the registered owner of the vehicle advising the fine amount and requesting payment. Per the proposed agreement, the company would receive 50% of the amount collected on a monthly basis.

This office has found no applicable law addressing the proposed photographic insurance enforcement system. Texas law does, however, address the operation of photographic traffic signal enforcement system. V.T.C.A., Transportation Code, {707.001 et. seq.

The questions presented and an opinion requested by the AG Opinions Committee are;

- 1.) Whether Texas law permits the installation of a photographic insurance enforcement system?

- 2.) If such a system is permitted, is the Criminal District Attorney permitted to send the notice of violation letter? In an effort to collect the fine?
- 3.) Is the fee split arrangement permissible?

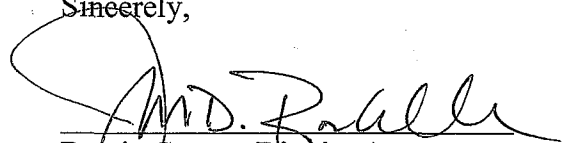
Texas law requires that as a condition of operating a motor vehicle in this state must establish financial responsibility. V.T.C.A, Transportation Code, {601.051.}

As previously stated, this office has not found Texas statues which address Question 1.

In re. to Question 2, Article 2 of the Texas Code of Criminal Procedures sets out the duties of district attorneys in Texas. It appears that Texas Code of Criminal Procedure does not address this issue. The procedure for collecting on the issuance of a bad check found in Texas Penal Code, {32.41} allows the District Attorney to collect and process payments for bad checks through the prosecutor's office. The District Attorney will through written correspondence attempt collection of a bad check that has been presented to the prosecutor's office by a merchant or individual. It stands to follow if the photographic insurance enforcement system identifies a vehicle without insurance and that information is sent to the prosecutor's office, then the prosecutor could issue the letter of notice of violation.

This office requests an opinion from the Attorney General on the issue presented herein. Should your committee require additional information, please notify me at your first opportunity.

Sincerely,



Bowie County District Attorney

Jerry D. Rochelle